

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAY LEWIS BAKER : CIVIL ACTION NO. 1:12-CV-2104  
Plaintiff :  
: (Chief Judge Kane)  
: (Magistrate Judge Schwab)  
v. :  
GICHNER SHELTER SYSTEMS :  
Defendant :

**O R D E R**

Before the Court in the above-captioned action is a June 28, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

**AND NOW**, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Schwab. (Doc. No. 13).
- 2) The Defendant's Motion to Dismiss (Doc. No. 6) is granted in part and denied in part as follows: the 42 U.S.C. § 1981 claim is **DISMISSED**, but the Motion to Dismiss is otherwise **DENIED**.
- 3) The case is **REMANDED** to the Magistrate Judge for further proceedings.

S/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: July 23, 2013